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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,590	06/18/2001	Renee Frengut	1017.8002	1985
44538 7590 02/25/2009 DANIEL S. POLLEY, P.A. 1215 EAST BROWARD BOULEVARD FORT LAUDERDALE, FL 33301			EXAMINER BOYCE, ANDRE D	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 02/25/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte:* RENEE FRENGUT

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Application No. 09/883,590  
Technology Center 3600

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Mailed: February 25, 2009

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Before TOI JOHNSON *Review Paralegal*  
JOHNSON, *Review Paralegal*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 30, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

**APPEAL BRIEF, GROUNDS OF REJECTION**

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed November 9, 2007, under the heading “Grounds of rejection to be reviewed on appeal” is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the Non-Final Office Action mailed March 7, 2007. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the Non-Final Rejection mailed March 7, 2007, and the Examiner’s Answer mailed January 25, 2008, finds that claims 5 and 14 are rejected under 35 U.S.C. 103(a) over Ludwig, e-Focusgroups.com and Thomas; whereas Appellants have improperly listed the ground of rejection as; 5 and 14-26 is rejected under 35 U.S.C. 103(a) over Ludwig, e-Focusgroups.com and Thomas. Correction of the grounds of rejection to be reviewed on appeal for all claims is required.

**CONCLUSION**

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) hold the Appeal Brief filed on November 9, 2007 defective;

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2) notify Appellant to file a “paper” properly addressing the Grounds of rejection of all claims;

3) acknowledge and consider any “paper” submitted by Appellant to correct the Appeal Brief; and

4) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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